



UNITED STATES PATENT AND TRADEMARK OFFICE

h/n

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,596	02/09/2004	Deirdre Michelle Joy Athaide	ARC920030060US1	1778
28342	7590	02/13/2007		
SAMUEL A. KASSATLY LAW OFFICE			EXAMINER	
20690 VIEW OAKS WAY			MEDE, ESTEVE	
SAN JOSE, CA 95120			ART UNIT	PAPER NUMBER
			2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/775,596

Applicant(s)

ATHAIDE ET AL.

Examiner

Esteve Mede

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 2/9/4

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Claim Objections

1. **Claim 1, 7, 12, 14, 17, 23, 28, 30, 33, and 39** are objected to because of the following informalities: in claim 1 and 33, line 7 the phrase "extracting an encrypted title key" should be --extracting the encrypted title key--; claim 7, 23 and 39, line 2 the phrase "obtained from a media key block" should be --obtained from the media key block--; claim 14, line 2 and claim 30, line 3 the phrase "instead of a complete media key block" should be --instead of the complete media key block--; claim 17, line 8 the phrase 'extracting or extracts an encrypted title key' should be --extracting or extracts the encrypted title key--; claim 28 the phrase "deriving a media unique key" should be --deriving the media unique key--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. **Claims 1, 17 and 33**, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 17 and 33, as claimed "creating an encrypted content/title key package by encrypting the title key with the recordable media content" cannot be ascertained because the specification fails to disclose how the recordable media content will be encrypting the title key.

For the purpose of examining the merits of claims 1, 17 and 33 in light of the specification the claim terminology has been interpreted as meaning that the title key is

Art Unit: 2112

encrypted along with the recordable media content, and not by the recordable media content.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 17-40** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent **claim 17 and 33**, discloses a computer program product and a system for protecting a title key for a recordable media content in a secure distribution comprising, creating an encrypted title key package by encrypting the title and with the content, transmitting the encrypted content/tile key package to a recording device, extracting the title key, obtaining media from physical media, transmitting encrypted title key media key block and media ID to a distribution server utilizing a title key decryption/encryption module, decrypting title key, deriving unique media key physical media, creating a re-encrypted title key with the unique key, transmitting the re-encrypted tile key to recording device. The claims as written would reasonably be interpreted by one ordinary skill in the art as software or computer program product per se, which lacks support of a physical medium such as a computer. As such that, they are unable to produce concrete and tangible output result output result.

Dependent claims **18-32 and 34-40** are rejected for being dependent upon rejected claims 1, 17 and 33, and for failing to meet statutory requirements of the base claims 1, 17 and 33.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-40** are rejected under 35 U.S.C. 102(b) as being anticipated by Harada et al (U.S. 2003/0009681 A1).

In regard to **claims 1, 17, 33**, Harada discloses creating an encrypted content/title key by encrypting the title key with the recordable media content (see abstract, paragraph 0008, lines 1-5); transmitting the encrypted content/title key package to a media recorder (paragraph 16, lines 6-11); obtaining a media key block and media ID from a physical medium (media key block and media ID are inherit properties as disclosed by applicant on paragraph 6, lines 1-3, therefore, the limitations of media key block and media ID are met); transmitting the encrypted title key, the media key block and the media ID to a distribution server utilizing a title key (paragraph 10, lines 3-5; paragraph 11, lines 1-3, 5-8); decrypting the encrypted title key (paragraph 11, lines 1-3); deriving a unique media key for the physical media (paragraph 10, lines 1-5); creating a re-encrypted title key by encrypting the title key with the unique media key (paragraph 11, lines 6-8); transmitting the re-encrypted title

Art Unit: 2112

key to the media recording device to record on the physical media with the recordable media content (paragraph 11, lines 9-12).

Regarding **claims 2, 18, 34**, encrypting the recordable media content with the title key (paragraph 0008, lines 4-5).

Regarding **claims 3, 19, 35**, randomly selecting the title key (paragraph 0114, line 1).

Regarding **claims 4, 20, 36**, encrypting the title key with the recordable media in a manner agreed upon between the storage and distribution server (the storage and the distribution server encrypts the title key with the recordable media upon an agreed upon manner (paragraph 0008, lines 4-5)).

Regarding **claims 5, 21, 37**, encrypting the title key with a common key that is agreed upon between the recordable media content storage and the distribution server (the storage and the distribution server uses common key upon which they agreed (paragraph 0321, lines 21-23).

Regarding **claims 6, 22, 38**, encrypting the title key with a public key that is provided by the clearinghouse block (paragraph 0321, lines 24-26).

Regarding **claims 7, 23, 39**, encrypting the title key with a key obtained from a media key block (paragraph 0008 lines, 8-10).

Regarding **claims 8, 24**, the recordable media content storage stores the encrypted content/title key package for any sale or distribution to a user (paragraph 0207, lines 1-4).

Regarding **claims 9, 25, 40**, transmitting the encrypted content/title key package to the media recorder (paragraph 0293, lines 1-5;)

Regarding **claims 10, 26**, extracting the encrypted title key from the encrypted content/title key package (paragraph 0009, lines 1-2, paragraph 0011, lines 2-3).

Regarding **claims 11, 27**, decrypting the encrypted title key using the media key block and media ID (paragraph 0011, lines 2-3).

Regarding **claims 12, 28**, deriving a media unique key from the media key block and the media ID (paragraph 0011, lines 5-6).

Regarding **claims 13, 29**, recording the content and the re-encrypted title key on the physical media (paragraph 0011, lines 9-12).

Regarding **claims 14, 30**, transmitting a digest of the media key block to the clearinghouse server instead of a complete media key (paragraph 0235, lines 1-3).

Regarding **claims 15, 31**, determining from the digest of the media key block whether the condition have been met or not ((paragraph 0010, lines 3-5; paragraph 0253, lines 1-6; paragraph 0257, lines 1-4; paragraph 0273 lines 3-10).

Regarding **claims 16, 32**, requesting the media key block from the media recording device if the title key decryption/encryption module determines the media has not met the condition (paragraph 0010, lines 3-5; paragraph 0253, lines 1-6; paragraph 0257, lines 1-4; paragraph 0273 lines 3-10)

Conclusion

Art Unit: 2112

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esteve Mede whose telephone number is 571-270-1594. The examiner can normally be reached on Monday thru Friday, 8:30-5:00 PM, EST.

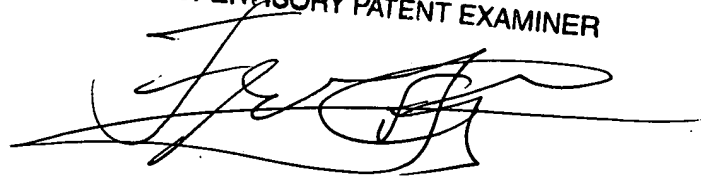
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Esteve Mede

EM
01/11/2007

FRANTZ JULES
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to be 'Frantz Jules', written over a horizontal line.